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ACTS and LAWS, 164

Passed by the General Assembly of the Representatives of the Freemen of the State of VERMONT, at their Session at Windsor, February 1781.

LIBRARY OF CONGRESS DEPARTMENT CITY OF WASHINGTON

An Act for the Division of Counties within this State.

BE it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of VERMONT, *in General Assembly met and by the Authority of the same*, That the County of *Bennington* be divided, and erected into two Counties, in the following Manner, viz. Beginning at the North-west Corner of *Ruport*, thence running Easterly on the North Line of said *Ruport*, *Dorset*, and *Brumley*, to the County Line between the Counties of *Bennington* and *Cumberland*, all the lands lying Southerly of, and within the Lines described in an Act, intitled, *An act for the establishing County Lines*, be one distinct County, and known by the Name of *Bennington* County.

Bennington County how divided.

Lines of *Bennington* County.

And be it further enacted by the Authority aforesaid, That all the Lands Northerly of said Lines described above, within the Lines described in an Act for establishing County Lines, be one distinct County, and known by the Name of the County of *Rutland*.

Of *Rutland* County.

And be it further enacted by the Authority aforesaid, That the County of *Cumberland* be divided as follows, viz. Beginning at the South-east Corner of *Springfield*, thence running Westerly on the South Line of said *Springfield* and *Chester* to the East Line of *Bennington* County, and all the Lands lying Southerly of said Lines, and within the Lines described by the Act aforesaid, be one distinct County, and known by the Name of the County of *Windham*.

Cumberland County now divided.

Lines of *Windham* County.

Then beginning at the North-east Corner of the Town of *Norwich*, thence running Westerly on the North Line of said Town of *Norwich*, *Sharon*, *Royalton* and *Bethel*, to the East Line of the County of *Bennington*, as formerly established, thence South on the said Line to the Northwest Corner of *Windham* County, as herein established; thence Easterly on the North Line of *Windham* County to *Connecticut-River*, thence up said River to the North-east Corner of *Norwich*, be one district County and known by the Name of the County of *Windsor*.

Of *Windsor* County.

All the Remainder of the Territory Northerly of the County of *Windsor*, East of the original Line of the County of *Bennington*, West of *Connecticut-River*, and South of Latitude 45° North, to be one entire County for the Time being, and known by the Name of Orange County.

Of *Orange* County.

An

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Shire-Towns, Courts, &c. established.

An Act for establishing the Shire or County Towns in the several Counties, and the Time for holding Superior and County Courts therein.

Courts to be held at *Bennington* and *Manchester*, for *Bennington* County.

BE it enacted, and it is hereby enacted by the Representatives of the Freemen, of the State of VERMONT, in General Assembly met, and by the Authority of the same, That the Towns of *Bennington* and *Manchester*, be Half Shires, for the Purpose of holding Courts in the County of *Bennington*—Provided, that the Inhabitants of the Town of *Bennington* compleat a Goal by the first Day of June next, and a Court-House by the first Day of October next in said Town, and those Inhabitants of said Town who do not pay their Proportion in building said House and Goal, that they would have to pay in building the other Court-House and Goal, shall be taxed with the rest of the County, in building a Court-House and Goal in the Town of *Manchester*.

At *Tinmouth* for *Rutland* County.

Be it further enacted by the Authority aforesaid, That the Town of *Tinmouth*, be a Shire-Town for the Time being, for the Purpose of holding Courts in the County of *Rutland*.

At *Westminster* & *Marlborough* for *Windham* Co.

Be it further enacted by the Authority aforesaid, That the Towns of *Westminster* and *Marlborough*, be Half-Shires, for the Purpose of holding Courts in the County of *Windham*.

At *Windsor* for *Windsor* County.

Be it further enacted by the Authority aforesaid, That the Town of *Windsor*, be a Shire-Town, for the Purpose of holding Courts in the County of *Windsor*.

At *Thetford* & *Newbury*, for *Orange* County.

Be it further enacted by the Authority aforesaid, That the Towns of *Thetford* and *Newbury*, be Half-Shires, for the Purpose of holding Courts in the County of *Orange*.

Times and Places for holding County Courts.

Be it further enacted by the Authority aforesaid, That the Times and Places for holding County Courts, or Courts of Common Pleas annually in the several Counties, be as follows, viz. in the County of *Bennington*, at *Bennington*, the third Tuesday of *September*; and at *Manchester*, the third Tuesday of *April*:—In the County of *Rutland*, at *Tinmouth*, on the fourth Tuesday of *April*, and the third Tuesday of *November*;—In the County of *Windham*, at *Westminster*, on the first Tuesday of *May*; and at *Marlborough*, on the second Tuesday of *December*;—In the County of *Windsor*, at *Windsor*, on the last Tuesday of *May*, and on the last Tuesday of *October*:—In the County of *Orange*, at *Thetford*, on the second Tuesday of *June*; and at *Newbury*, on the first Tuesday of *February*.

Law Library

Superior Courts.

And be it further enacted by the Authority aforesaid, That the Times and Places for the Sessions of the Superior Court annually, in the several Counties, be as follows, viz. At *Bennington*, in the County of *Bennington*, on the fourth Tuesday of *August*:—In the County of *Rutland*, at *Tinmouth*, the third Tuesday of *August*:—In the County of *Windham*, at *Westminster*, on the first Tuesday of *January*:—In the County of *Windsor* at *Windsor*, on the second Tuesday of *January*;—In the County of *Orange*, at *Thetford*, on the third Tuesday of *January*.

LEGISLATIVE REFERENCE

And

Directing County Elections.

And be it further enacted by the Authority aforesaid, That in those Counties where there are Half Shires, the Superior Court sit alternately in each Half Shire, at the Times before-mentioned.

An Act directing County Elections.

WHEREAS *it is highly necessary, that County Officers be appointed according to Constitution for the better exercising civil Government in the respective Counties within this State.* — Preamble.

THEREFORE,

BE *it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of* VERMONT, *in General Assembly met, and by the Authority of the same*, That the Constables in the several Towns within this State, shall warn all the Freemen in their respective Towns, to meet at the usual Place of holding Town-Meetings, in their respective Towns, on the last Tuesday of March next, at nine of the Clock in the Morning, said Warning to be given at least six Days before the Day appointed for said Meeting; and the Constables shall also warn all the Inhabitants in their respective Towns, to attend said Meeting, in order to qualify themselves for voting in said Meeting, and being so met the Freemen shall proceed in the following Manner, viz. — Constables to warn T. Meetings on the laft Tuesday of March

1stly. To Choose a Moderator to govern said Meeting. — To chuse a Moderator,

2dly. The Freemen shall give in their Ballot for him whom they would have for their Chief Judge, for the County Court, in the County they respectively belong to, with his Name fairly written, which Votes shall be sealed up by the Moderator of said Meeting in the Presence of the Freemen: in the like Manner the Freemen shall proceed to give in their Votes, for four Assistant Judges, which Votes shall be sorted and counted by the Moderator and Town-Clerk in the Presence fo the Freemen, and a List thereof taken in the same Manner as set forth in the Act for the Choice of Councellors. — Judges of Courts, &c.

3dly. The Freemen shall give in their Votes for him whom they would choose for the Sheriff of the County to which they belong, which Votes shall be sealed up as above mentioned. — Sheriff,

5thly. The Freemen shall give in their Votes for one Judge of Probates for each Probate District in the County to which they belong, the Votes to be sealed up as above. — Judges of Probates,

5thly. That the Freemen shall give in their Votes for two Justices of the Peace in each Town wherein is one hundred taxable Inhabitants; and in like Manner for one Justice of the Peace, in each other Town in said County, wherein are twenty taxable Inhabitants; which Votes shall be sorted, counted and sealed up as above directed; then the Moderator shall write on the out side of the Paper wherein the Votes are for the Chief Judge, the Name of the Town wherein the said Votes are taken, and then and these Words, Votes for the Chief Judge; and in like Manner for the Assistant Judges, Sheriff, Judges of Probates, Justices of the Peace with the Name of the Town and Probate District for which such Officer is intended. — 2d Justices of the Peace.

6thly. The

Dividing the First, and establishing a Seventh Regiment.

Time of Meetings, & Manner of Delegates Proceeding.

6thly. The Freemen shall make choice of some meet Person to take Charge of said Votes, who shall be sworn to the faithful Discharge of his Duty; and the Persons so chosen in the County of *Bennington*, shall meet on the first Tuesday of *April* next, at the House of Mr. *Thomas Butterfield*, Innholder in *Arlington*;—In the County of *Rutland*, at the Houes of Mr. *Solomon Bingham*, Innholder, in *Tinmouth*:—In the County of *Windham*, at the House of Mr. *Moses Johnson*, Innholder in *Putney*:—In the County of *Windsor*, at the Meeting-House in *Windsor*:—In the County of *Orange* at Mr. *Stephen M.'Camel's*, in *Moretown*: And being so met, shall proceed, *1st.* To choose a Moderator to govern said Meeting. *2dly.* To choose a Clerk, to record the Doings of said Meeting. Then proceed to sort and count the Votes for the Chief Judge of the County Court; and the Person found to be highest in Nomination, shall be declared chosen: And in like Manner proceed to sort and count the Votes for all the above-mentioned Officers and make Declaration as aforesaid. And whenever it shall so happen, that there is no Choice, by Reason of a Tie, the Members of said Meeting shall determine the Choice: And it shall be the Duty of the Clerk of said Meeting, to make Return, as soon as may be, of the Names of the Officers so chosen, to his Excellency the Governor, that they may be commissioned according to Constitution.

AND whereas, in the Towns of Redding, Cavendish, Andover, Rye-gate, Bethel, Randolph, *and* Stanford, *there is the highest Probability of there being the Number required for a Justice of the Peace, in a very short Time:*

Redding, &c., to chuse Justices.

Be it therefore enacted by the Authority aforesaid, That there be a Justice of the Peace chosen for the Towns of *Redding*, *Cavendish*, *Andover*, *Rye-gate*, *Bethel*, *Randolph*, and *Stanford*, in the Manner before directed.

An Act dividing the first Regiment, and establishing a seventh Regiment.

First Regt. divided.

BE *it enacted, and it is hereby enacted, by the Representatives of the Freemen of the State of* VERMONT, *in General Assembly met, and by the Authority of the same*, That the Regiment known and distinguished by the first Regiment, as described in an Act for the regulating the Militia, within this State, be, and it is hereby divided into two distinct Regiments in the following Manner:

Bounds of the seventh Regiment.

Beginning at the North-east Corner of *Dummerston*, thence westerly on the North Line of *Dummerston*, *Newfane*, *Wardsborough*, and *Somerset*, to the County Line, thence on the County Line to the North Line of the *Massachusetts-Bay* to *Connecticut-River*, thence up said River to the first mentioned Bounds; all the militia Companies within the Territories above described, be one entire Regiment, and known and distinguished by the Name of the seventh Regiment.

An

Dividing Probate Districts.

An Act for the Divison of the Probate District in the several Counties within this State.

BE *it enacted, and it hereby enacted by the Representatives of the Freemen of the State of* VERMONT *in General Assembly met, and by the Authority of the same,* That this State be divided into nine Districts, and in each District there shall be a Court of Probate of Wills held, consisting of one Judge, who shall appoint his Clerk, and said Districts, to be divided in the following Manner, viz.

Number of Probate Districts,

THAT the County of *Bennington*, be divided into two Districts in the following Manner: Beginning at the South-west Corner of the Town of *Arlington*, thence easterly on the South Line of *Arlington*, *Sunderland* and continuing that Course to the County Line; that the District South of that Line, be known by the District of *Bennington*; and that the District North of said division Line, and within the County of *Bennington*, be known by the District of *Manchester*.

District of *Bennington* & Manchester

Be it further enacted by the Authority aforesaid, That the County of *Rutland*, be one entire Probate District, and known by the Name of the District of *Rutland*.

Of *Rutland*.

Be it Further enacted by the Authority aforesaid, That the County of *Windham*, be divided into two distinct Districts, in the Manner following, viz. Beginning at the North-east Corner of *Dummerston*, thence Westerly on the North Line of *Dummerston*, *Newfane*, *Wardsborough*, and *Somerset*, to the County Line; and that the District South of said Line, be known by the Name of the District of *Marlborough*: And the District North of said Division Line, and within the County of *Windham*, be one entire District; and known by the Name of the District of *Westminster*.

Of *Marlboro* & *Westminster*

Be it further enacted by the Authority aforesaid, That the County of *Windsor* be divided into two Probate Districts, in the Manner following, viz. Beginning at the North-east Corner of the Town of *Windsor*; thence Westherly on the North Line of the Towns of *Windsor*, *Redding*, and *Saltash*, to the County Line; and that the District South of said Division Line, and within the Line of the County of Windsor, be one entire District, and known by the Name of the District of Windsor:—And the District North of said Division Line, and within the Line of the County of *Windsor*, be one entire District, and known by the Name of the District of *Hartford*.

Of Windsor & *Hartford*.

And be it further enacted by the Authority aforesaid, That the County of *Orange* be divided into two Probate Districts, in the following Manner, viz, Beginning at the North-east Corner of *Farlee*; thence Westerley on the North Line of *Farlee*, *Vershire*, and *Turnersburg*, to the County Line; and the District South of said Division Line, and within the County of *Orange*, be one entire District, and known by the Name of the District of *Thetford*:—And the District North of said Division Line, and within the Lines of the County of *Orange*, be one entire District, and known by the Name of the District of *Newbury*.

Of *Thetford* & *Newbury*

An

Civil Officers. Delinquents. Proprietors Meetings.

An Act continuing the several Officers therein mentioned.

WHEREAS, *by the Division of the Counties, there may in some Counties be a want of civil Officers to execute the Law :*

THEREFORE,

Officers continued in the respective Counties.

BE *it enacted and it is hereby enacted by the Representatives of the Freemen of the State of* VERMONT, *in General Assembly met, and by the Authority of the same,* That the Sheriffs, Under-Sheriffs, Justices of the Peace in the several Counties, Justices of Probate in their several Districts, heretofore appointed in the Counties of *Bennington* and *Cumberland* respectively, continue to exercise their respective Offices in the several Counties to which they belong, in as full and ample a Manner as herefore they have done before a Division of said Counties, until others shall be duly chosen and sworn in their Stead.

No Writ to abate.

And be it further enacted by the Authority aforesaid; That no Writ already issued, or Suit depending, shall be abated, no Judgment reversed, or Execution stayed, for Want of a proper Direction, for want of a right Venue, or on Account of any Variance happening by Reason of a Division of the Counties aforesaid, or the Erection of new Counties in this State.

An Act in alteratien of an Act, intitled,, An Act concerning Delinquents.

3

Delinquent to pay Costs, unless, &c.

BE *it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of* VERMONT, *in General Assembly met and by the Authority of the same,* That whenever any Person shall be prosecuted on the Complaint of any Informing Officer, for any Crime committed against this State, and such Complaint shall not be supported, the Delinquent shall pay Cost of Prosecution, unless it shall appear to the Court before whom the Trial shall be had, that there was not sufficient Cause for such Prosecution, or that the same was had through Mistake: and in such Case the Cost shall be paid as in said Act is provided.

An Act in addition to, and alteration of a certain Clause in an Act, intitled, An Act regulating Proprietors Meetings.

Preamble.

WHEREAS, *in the first Paragraph of the Act, intitled* An Act regulating Proprietors Meetings, *it is enacted, That all Proprietors Meetings shall be warned in the* CONNECTICUT COURANT, *which is found to be inconvenient :*

WHICH Inconveniency to remove,

Proprietor Meetings to be warned in the *Vermont Gazette.*

BE *it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of* VERMONT, *in General Assembly met and by the Authority of the same,* That from and after the Publication of this Act, Proprietors Meetings shall be warned in the *Vermont Gazette,* under the same Restrictions and Regulations as the Law has heretofore directed them to be warned in the *Connecticut Courant*: And that Part of said Act directing the warning of said Proprietors Meetings in the *Connecticut Courant, is hereby repealed.*

An

Payment of Militia. Emitting Money.

An Act directing the Payment of the Militia, when called out in Service.

WHEREAS *it will be inconvenient for the Militia of this State, to be paid for their Services by the Pay-Master, in the same Manner as is prescribed for the Payment of the State' Troops raised for a particular Term of Time:* Preamble..

THEREEORE,

BE *it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of* VERMONT, *in General Assembly met, and by the Authority of the same,* That whenever the Militia of this State shall be ordered to march on an Alarm,. for the Defence of the State, under their own Officers, it shall be the Duty of the Captains of Companies, or any other Officers who may command Companies, to make out Pay-Rolls for their respective Companies, for the Time of such Service; upon which, after being authenticated by such Captain or Officer, and a Warrant drawn by the Pay-Table, the Treasurer shall pay the same to such Captain or Officer, who shall pay the same, as due, to said Officer and Soldier respectively: And any Officer or Soldier, who may not have received his Pay, after applying for the same to the Captain or Officer aforesaid, who has received it, may afterwards apply to the Treasurer for a Certificate, specifying the Sum which said Captain or Officer has received for such Officer or Soldier, agreeable to the Pay-Rolls lodged in his Office; Which Certificate the Treasurer is hereby directed to give, and which shall be sufficient for the said Officer or Soldier to recover the same of the said Captain of Officer by Action in any Court proper to try the same. Militia how paid on an Alarm.

And be it further enacted by the Authority aforesaid, That the Field Officers and Staff Officers of the Mililia, who shall hereafter be called into the Service of the State, shall be paid on sepatate Rolls, each Roll to include the Field and Staff of one Regiment, and to be an authenticated by the superior Officer in Rank, who shall have thus served. Field & Staff Officers how paid.

And be it further enacted by the Authority aforesaid, That the Officers and Soldiers pay, when called out bp proper Authority in Alarms, as also those that have been as aforesaid, be as is allowed to the Troops employed in the Service of this State, while in actual Service in Camp; and also be paid *Four-pence* per Mile for Travel for each Mile such Militia have or shall travel out, they bearing their own Expences. Pay & Travel.

An Act for the Purpose of emitting a Sum of Money.

WHEREAS *it is found Necessary for the Purpose of canying on the War and the Payment of the public Debts of this State, as well as enlarging the Quantity of circulating Medium, to omit a Sum of Money for that Purpose, to be redeemed by the Avails af a Land Tax granted by this Assembly payable on the 1st of January next.* Preamble.

WHEREFORE,

BE *it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of* VERMONT *in General Assembly met aud by the Authority of the same,* That there be forthwith printed under the inspection of and signed and numbered by Col. *Ebenezer Walbridge.* Col.

Moses.

Number and Venue of Bills to be emitted

Moses Robinson and *Ezra Stiles, Esq;* Committee for that *P*urpose, Bill to the Amount of *five Thousand five Hundred* and *ninety Pounds* lawful Money, and by said Committee delivered to the Treasurer of this State, for the Payment of this State's Debts, and other public Purposes, which Bills shall be a lawful Tendry for Payment on all Contract, Executions, &c, as lawful Money; and said Bills shall be paid and redeemed by the Treasurer of this State, by the 1st Day of June 1782 in Silver, at the Rate of six Shillings for one Spanish mill's Dollar, or Gold equivalent, one of the Avails of said land Tax; And the said Committee are empowered to make a Devise and Form for said Bills, which Bill shall be an equal Number of *Three Pounds, Forty Shillings, Twentg Shillings, Ten Shillings, Five Shillings, Two and Six pence, One Shilling and three Pence,* and *One Shilling* Bills.

Death to counterfeit.

BE it further enacted by the Authority aforesaid, That whoever shall be guilty of altering or counterfeiting any of said Bills, or shall be any wise concerned therein, by making Instruments for that Purpose, or be any wise aiding or assisting therein, and be thereof convicted, shall suffer Death, any Law, Usage or Custom to the contraro notwithstanding.

An Act in Addition to an Act, intitled, An Act for forming and regulating the Militia.

Preamble.

WHEREAS *by Experiance it is found that the Method provided in the militia Act for the collecting Fines of Delinquents, is insufficient to an the Purpose intended.*

THEREFOEE,

BE *it enacted, that it is hereby enacted by the Representatives of the Freemen of the State of* VERMONT, *in General Assembly met and by the Authority of the same,* That in Lieu of collecting by Bill, Plaint or Information in any Court proper to try the same, that then any chief or commanding Officer of a Company, give his Orders, and such Orders are disobeyed, and a Fine due, in every such Case the Officer shall, with the Advice of one or more of his under commissioned Officers, issue his Warrant for collecting such Fines by Distress or otherwise, as necessity requires; and in Case the Delinquent be a Minor, such Minor's Parent or Mother shall be liable to pay such Fine, or be proceeded against as aforesaid.

Manner to Collecting Militia Fines, &c.

Be it further enacted by the Athority aforesaid, That when any commanding Officer of a Company shall detach or draught any non-commissioned Officer or Soldier to do any Tour of Duty, and he shall think himself aggrieved, after he has performed his said Tour, he shall have a Right to bring is Suit against such Officer before any Assistant or Justice of the Peace, or any Court proper, to try the same; and if it appears to said Court that he was aggrievedf he shall received his just Damages, with the cost, and if it appears to said Court that there was no Cause of Action, the Plaintiff shall pay the Cost.

Aggrieved Party how redressed

Penalty for disodeying Orders.

Be it further enacted by the Authority aforesaid, That when any Captain or Commanding Officer of any Company shall legally warn his Company to muster for the Purpose of viewing Arms or Training, and any non-commissioned Officer or Soldier shall refuse or neglect to appear

Establishing High-Ways.

appear according to said Warning, shall forfeit and pay a Fine not exceeding fifteen Shillings, nor less than six Shillings, to be recovered as is prescribed in the within Act, and all such Fines to be for the Use of such Company, where such Fines become due.

WHEREAS the Fines prescribed in the Law, which are to be levied on those Persons who refuse to do their Duty when draughted, are insufficient.

Be it enacted by the Authority aforesaid, That when any non-commissioned Officer or Soldier, shall neglect or refuse to do their Duty when draughted for the Purpose or service aforesaid, (being duly notified) shall forfeit and pay a Fine not exceeding Ten Pounds, to be recovered in Manner as aforesaid, to be applied for the employing a Soldier or Soldiers, to perform such Services.

Penalty for Neglect of Duty.

AND whereas it has been by Law provided, that when two Towns which adjoin each other, and have not a sufficient Number of Inhabitants in either to form an alarm list Company agreeable to said Law, such two Towns may join and form one Company; and whereas sundry of such Towns have served a Time as aforesaid in one Company, until the Inhabitants in one of such Town have increased to a Number sufficient for the formation of a separate Company.

Preamble.

THEREFORE,

Be it enacted by the Authority aforesaid, That whensoever it shall be that either of such Towns so serving together, shall increase to a sufficient Number of Inhabitants for the formation of a separate Company, and shall form such Company, the Inhabitants of such Town who have formed as aforesaid, shall be discharged from further military Service in such Company with whom they have been connected as aforesaid.

Towns increasing to form separate Companies.

An Act to settle and establish all Highways that are laid out within this State.

WHEREAS a great Part of the Highways within this State have been laid out by the Selectmen or Committees appointed for that Purpose, and Bills by them have been laid before their respective Towns and accepted by them and recorded in the Town Clerk's Office, which Bills did not describe the Points of Compass; and whereas Contentions and Animosities have and likely will arise in some Towns within this State respecting the legality of such Surveys: Which to prevent,

Preamble.

BE *it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of* VERMONT. *in General Assembly met, and by the Authority of the same*, That all Highways that have been laid out within any of the Towns in this State, either by the Select-men, or by a Committee appointed for that Purpose, who have returned a Bill setting forth where such Highway began, and the general Course of such Highway by such and such Monuments, and that such and such Lands which are well known by the Inhabitants in the Town, and accepted by the Town, and put

What Highways to be deemed lawful.

Preventing Law-Suits.

What Highways to be deemed lawful.

put upon Record in the Town Clerk's Office, which Highway hath been cleared out and repaired by the Town, and improved as a public Highway for the Space of six Months, shall be deemed a lawful Highway; and whatever Person or Persons shall fence up, or put any Nusance in such Highway without Liberty first obtained from the Selectmen, shall forfeit and pay a Fine of fifteen Shillings, with all Damages occasioned by such Nusance, to be recovered before an Assistant or Justice of the Peace, by Bill, Plaint or Information. *Always provided*, that the Damage be paid to such Person or Persons thro' whose Land such Highways are laid, where no Allowance for Highways is made, or where such Highways are laid thro' undivided Lands, there shall be no Damages allowed.

Proviso.

Highways to be laid out by Compass.

And be it further enacted by the Authority aforesaid, That no Highway that shall be laid out for the Future, shall be lawful, unless surveyed by the Compass: And further, that all Roads heretofore laid out that are not surveyed by the Compass within two Years from the passing this Act, shall not be deemed lawful.

An Act for the preventing Multiplicity of Law-Suits.

Preamble.

WHEREAS *it would prevent a Multitude of Law-Suits, to make one Debt, or Sum of Money due on Contract, answer and cancel the like Sum due in like Manner from the adverse Party.*

THEREFORE,

BE *it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of* VERMONT, *in General Assembly met, and by the Authority of the same*, That if any two or more shall be indebted, or shall owe each to the other, any Sum or Sums of Money, by Contract, and one of them commence an Action against the other, it shall be lawful for such Defendant to plead Payment of all, or any Part of the Sum or Debt demanded, giving Notice in Writing with the said Plea, of what he will insist upon at the Trial, for his Discharge; and the Plaintiff, in his Reply, if he make any, may give Notice in Writing, of any other Sum or Sums of Money, which the Defendant owed him at the Time when he commenced his Action, which was not mentioned in the Declaration: And at the Trial, either Party may give any legal Contract, or other Matter so given Notice of, in Evidence. And if it shall appear that the Defendant hath fully paid or satisfied the Sum or Sums due to the Plaintiff, the Court or Jury who try the Issue, shall find for the Defendant, and the Plaintiff shall pay the Cost. But if it appears Part only is paid, the Plaintiff shall have Judgment for what appears unpaid, and the Defendant shall pay the Cost. But if it appears the Plaintiff is overpaid, then the Defendant shall have Judgment for the Overplus, and the Plaintiff shall pay the Cost; Execution to issue accordingly, any Law, Usage, or Custom to the contrary notwithstanding.

Contracts how balanced.

Quieting Proprietary Disputes. Repealing an Act.

An Act for quieting Disputes Concerning landed Property.

WHEREAS it is found that two or more Charters have been made in some Instances, to different Proprietors, of the same Tract of Land, by one and the same Authority; and it is in Dispute which of said Charters ought to hold the Fee of said Lands. **Preamble**

For the better determining of such Disputes,

BE it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of VERMONT, *in General Assembly met and by the Authority of the same,* That the Governor, Council, and House of Representatives, shall fit as a Court, to hear and finally to determine all Disputes between Proprietors holding under different Charters, made out by one and the same Authority: And the Manner of Process in such Case shall be, that the Plaintiff or Plaintiffs shall bring his or their Writ of Right, setting forth the whole Matter, against the Defendant or Defendants, directed to the Sheriff of the County in which said Land lies, or his Deputy, to be served on the Defendant or Defendants, at least Sixty Days before the fitting of said Assembly. And the Manner of Service shall be by reading the same in the Hearing of one or more of the Proprietors who are to be Defendants in the Case, or leave, a true and attested Copy at his or their usual Place of Abode, within the aforesaid Time: Which Writ shall be returned to the Clerk of said Assembly, on or before the said Day of the Sessions; and the said Proprietor or Proprietors on whom such Writ shall be served as aforesaid, shall immediately call a Meeting of the Proprietors of the Charter under which he or they hold; and he or they are hereby empowered to call a Meeting, as aforesaid. that they may be in Preparation to make their Defence. And the Plaintiff or Plaintiffs shall pay for the Entry and Trial of said Action *twenty Shillings*, and Cost, shall follow the final Determination of the suit. **Proprietary Disputes how terminated.**

An Act repealing an Act for dividing the fourth Regiment, and forming a seventh Regiment.

WHEREAS, Representation hath been made to this Assembly by the Representatives belonging to the Towns in the fourth Regiment that an Act passed last Session at Bennington, *for dividing said Regiment into two regiments is disagreeable and inconvenient for the People at present, and desire said Act may be repealed.* **Preamble.**

THRREFORE,

BE it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of VERMONT, *in General Assembly met, and by the Authority of the same,* That an Act intitled, *An act for dividing the fourth, Regiment, and establihsing a seventh Regiment,* be and is hereby repealed. **An Act repealed.**

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